

AMENDED IN SENATE AUGUST 19, 2009

AMENDED IN SENATE JULY 23, 2009

AMENDED IN ASSEMBLY JUNE 2, 2009

AMENDED IN ASSEMBLY MAY 6, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1066

Introduced by Assembly Member Mendoza
(Principal coauthor: Assembly Member Nielsen)
(Coauthors: Assembly Members Coto, Gaines, Harkey, Huber,
Solorio, and Villines)

February 27, 2009

An act to amend, repeal, and add Section 4590 of the Public Resources Code, relating to forest practices.

LEGISLATIVE COUNSEL'S DIGEST

AB 1066, as amended, Mendoza. Forest practices: timber harvesting plans.

The Z'Berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection, and approved. The act provides that a timber harvesting plan is effective for a period of not more than 3 years, unless extended as specified.

The act provides that a timber harvesting plan, on which work has commenced but not been completed, may be extended by amendment for a one-year period in order to complete the work, up to a maximum of 2 one-year extensions if 2 requirements are met. *The act requires*

the notice of extension to include the circumstances that prevented a timely completion of the work under the plan and an agreement to comply with the specified law, rules, and regulations as they exist on the date the extension notice is filed.

This bill would allow an extension of a *timber harvesting plan, on which timber operations have commenced but not been completed*, by amendment for up to a maximum of 4 additional one-year extensions, *if those 2 requirements are met, and in addition, the plan expired in 2008 or 2009, and those 2 requirements are met and the notice of extension includes written certification by a registered professional forester that listed species have not been discovered in the plan area since approval of the plan and significant physical changes to the harvest area or adjacent areas have not occurred since the plan's cumulative impacts were originally assessed.*

The bill would authorize an extension by amendment for a plan approved on or after January 1, 2010, to December 31, 2011, inclusive, of up to a maximum of 22-year extensions, ~~with the additional requirement that if, in addition to the 2 requirements,~~ the department ~~find~~ *finds* that listed species have not been discovered in the plan area since approval of the plan and significant physical changes to the harvest area or adjacent areas have not occurred since the plan's cumulative impacts were originally assessed. If the department is not able to make those findings, the department would be authorized to consider an amendment to the plan and, if approved, to grant an extension. This bill would repeal these provisions as of January 1, 2012.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4590 of the Public Resources Code is
- 2 amended to read:
- 3 4590. (a) (1) A timber harvesting plan is effective for a period
- 4 of not more than three years, unless extended pursuant to paragraph
- 5 (2).
- 6 (2) A timber harvesting plan, on which ~~work has~~ *timber*
- 7 *operations have* commenced but not been completed, may be
- 8 extended by amendment for a one-year period in order to complete
- 9 ~~the work~~ *timber operations*, up to a maximum of two one-year
- 10 extensions, if both of the following occur:

1 (A) Good cause is shown.

2 (B) All timber operations are in conformance with the plan, this
3 chapter, and all applicable rules and regulations, upon the filing
4 of the notice of extension as required by this section.

5 (b) The extension shall apply to any area covered by the plan
6 for which a report has not been submitted under Section 4585. The
7 notice of extension shall be provided to the department not sooner
8 than 30 days, but at least 10 days, prior to the expiration date of
9 the plan. The notice shall include the circumstances that prevented
10 a timely completion of the ~~work~~ *timber operations* under the plan,
11 *written certification by a registered professional forester that*
12 *neither of the conditions in subdivision (f) have occurred*, and,
13 consistent with Section 4583, an agreement to comply with this
14 chapter and the rules and regulations of the board as they exist on
15 the date the extension notice is filed.

16 (c) Stocking work may continue for more than the effective
17 period of the plan under subdivision (a), but shall be completed
18 within five years after the conclusion of other work.

19 (d) Notwithstanding subdivision (a) and the submission of a
20 completion report pursuant to Section 4585, a timber harvesting
21 plan, on which ~~work has~~ *timber operations have* commenced but
22 not been completed, may be reopened and extended by amendment
23 for up to a maximum of four one-year extensions if the ~~plan expired~~
24 ~~in 2008 or 2009, and if the plan complies with subparagraphs (A)~~
25 ~~and (B) of paragraph (2) of subdivision (a):~~ *following conditions*
26 *have been met:*

27 (1) *The plan expired in 2008 or 2009.*

28 (2) *The plan complies with subparagraphs (A) and (B) of*
29 *paragraph (2) of subdivision (a).*

30 (3) *The notice of extension, pursuant to subdivision (b), includes*
31 *written certification by a registered professional forester that*
32 *neither of the conditions in subdivision (f) have occurred.*

33 (e) A timber harvesting plan that is approved on or after January
34 1, 2010, to December 31, 2011, inclusive, may be extended by
35 amendment for a two-year period in order to complete the ~~work~~
36 *timber operations*, up to a maximum of two two-year extensions,
37 if the plan complies with subparagraphs (A) and (B) of paragraph
38 (2) of subdivision (a) and *the notice of extension, pursuant to*
39 *subdivision (b), includes written certification by a registered*

1 *professional forester that* neither of the conditions in subdivision
2 (f) have occurred.

3 (f) The department shall not approve an extension pursuant to
4 subdivision (e) if either of the following have occurred:

5 (1) Listed species, as defined in Article 1 (commencing with
6 Section 2050) of Chapter 1.5 of Division 3 of the Fish and Game
7 Code *or the federal Endangered Species Act (16 U.S.C. Sec. 1531*
8 *et seq.)*, have been discovered in the logging area of the plan since
9 approval of the timber harvesting plan.

10 (2) Significant physical changes to the harvest area or adjacent
11 areas have occurred since the timber harvesting plan's cumulative
12 impacts were originally assessed.

13 (g) An extension of a timber harvesting plan on which either of
14 the conditions in subdivision (f) has occurred may be obtained
15 only pursuant to Section 1039 of Title 14 of the California Code
16 of Regulations. Notwithstanding the notice provision of subdivision
17 (b), ~~a landowner shall provide notice to the department of an~~
18 ~~extension pursuant to this subdivision within 130 days.~~ *for purposes*
19 *of this subdivision the notice of extension shall be provided to the*
20 *department, not sooner than 140 days, but at least 10 days, prior*
21 *to the expiration date of the plan.*

22 (h) This section shall remain in effect only until January 1, 2012,
23 and as of that date is repealed, unless a later enacted statute, that
24 is enacted before January 1, 2012, deletes or extends that date.

25 SEC. 2. Section 4590 is added to the Public Resources Code,
26 to read:

27 4590. (a) (1) A timber harvesting plan is effective for a period
28 of not more than three years, unless extended pursuant to paragraph
29 (2).

30 (2) A timber harvesting plan, on which ~~work has~~ *timber*
31 *operations have* commenced but not been completed, may be
32 extended by amendment for a one-year period in order to complete
33 ~~the work~~ *timber operations*, up to a maximum of two one-year
34 extensions, if both of the following occur:

35 (A) Good cause is shown.

36 (B) All timber operations are in conformance with the plan, this
37 chapter, and all applicable rules and regulations, upon the filing
38 of the notice of extension as required by this section.

39 (b) The extension shall apply to any area covered by the plan
40 for which a report has not been submitted under Section 4585. The

1 notice of extension shall be provided to the department not sooner
2 than 30 days, but at least 10 days, prior to the expiration date of
3 the plan. The notice shall include the circumstances that prevented
4 a timely completion of the ~~work~~ *timber operations* under the plan
5 and, consistent with Section 4583, an agreement to comply with
6 this chapter and the rules and regulations of the board as these
7 exist on the date the extension notice is filed.

8 (c) Stocking work may continue for more than the effective
9 period of the plan under subdivision (a), but shall be completed
10 within five years after the conclusion of other work.

11 (d) This section shall become operative on January 1, 2012.